

MAR 28 2007

012/020

**REMARKS/ARGUMENTS****I. Introduction**

This response is submitted in response to the non-final Office Action dated April 6, 2006 and is being filed in conjunction with a petition to revive. Claims 1-6 and 13-19 have been previously canceled. Therefore, claims 7-12 are now pending.

Claims 7-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,542,598 to Fleischer, III et al. (hereinafter "the Fleischer et al. patent").

Applicant will now address and overcome the Examiner's rejections after summarizing the invention.

**II. Discussion of the Invention and Distinctions over the Applied Reference**

The present invention is directed to methods and systems for utilizing an Advanced Intelligent Network (AIN) to perform an Automatic Route Selection (ARS) function to supplement the ARS functionality in a telephone switch. Additionally, unlike the telephone switch, the AIN can perform conditional logic prior to implementing the ARS functionality, such as by using a Service Control Point (SCP). For instance, some switches are not designed to allow for ARS functionality following the implementation of AIN services (such as call screening, call forwarding, voice dialing, etc.). The methods of the present invention allow for switch capabilities to be taken into consideration by the SCP with different ARS methods being used to provide ARS functionality depending on the switch type being used to service a particular service subscriber, by incorporating the switch capabilities of a customer into the Customer Database. In such a case, as part of implementing ARS functionality, the SCP determines the method for providing ARS by looking up the associated CPR indication, which depends on whether the originating switch is or

is not of a type that supports switch based ARS functionality following the implementation of AIN based services through a call from an SSP to the SCP. In the case where the customer's switch does not support a switch-based automatic route selection table, **SCP based ARS functionality** (outside the switch) is used to implement ARS along with the particular AIN service. However, in cases where the SCP determines through the CPR for a given call that because the switch type servicing a subscriber supports ARS functionality for a call following provision of an AIN service, **the SCP directs** that the switch based ARS functionality be used.

An example of such ARS services would be the use of a preferred long distance carrier by the subscriber. Without the present invention, if the subscriber utilized a switch that didn't provide ARS functionality following the use of AIN services the subscriber wouldn't be routed to the least cost carrier following the implementation of one of those AIN services on a particular call.

With the present invention, the SCP can determine, based on the associated CPR which is indicative of a subscriber being connected to a switch with the above limitations, that the SCP should provide its own ARS functionality to route the call using the least cost carrier.

In contrast to the present invention, the Fleischer et al. patent utilizes an SCP to determine the destination number (routing number) of a call based on the "geographic location of the originating party" (Abstract).

Unlike the present invention, the Fleischer et al. patent discloses the operation of the SCP as being irrelevant to the **type** of switch (SSP) at the origination of the call. The Fleischer et al. patent lists some of the types of SSPs that can operate with the SCP as: SESS, 1AESS, and DMS-100 (col. 11, lines 34-36). The Fleischer et al. patent goes on to describe what software releases on each of these switch types are advantageous for its system (col. 11, lines 36 thru 57).

Once the SCP gathers information, it looks up the routing number for the call on a table (Figure 3), and forwards that routing number to the triggering switch. The switch then routes the call normally to that routing number. There is no "selecting a method for implementing the automatic route selection service for the

service subscriber, from a plurality of different implementation methods" (claim 7). There is not even a mention of an "automatic route selection service" at all.

The first full paragraph on page 2 of the specification states:

*Telephone switches normally include an Automatic Route Selection (ARS) table or tables that are used to determine, for switch based ARS subscribers, which telephone trunk should be used to route a call originating from the subscriber. ....Different trunks used to connect SSPs often correspond to different carriers. Thus, ARS allows a customer to automatically route calls over preferred, e.g., least cost, carriers.*

The Fleischer et al. patent does not refer to Automatic Route Selection, but simply choosing a destination telephone number (routing number) for an incoming call, based upon the geographic location of the calling party. From column 13, lines 53-60:

*Upon receiving the query message from the AIN SSP equipped end office 40, the ISCP 30 executes software based service logic programs stored in the SCP 26 to perform subscriber functions, e.g., establishing a routing number based upon the geographic location of the originating party, and returns a response to the end office 40 with call routing instructions to forward the call to the appropriate location (e.g., location 36B).*

To further emphasize that not only is there no "automatic route selection service" discussed in the Fleischer et al. patent, but there is no routing method "selection" taking place in the Fleischer et al. patent at all, as can be seen from col. 14, lines 22-24:

*After the ISCP 30 has collected the call data, the ISCP 30 will then return control of the call, via a routing number, to the call suspending SSP for termination. [emphasis added]*

Also, the Examiner states on p. 3 of the Office Action that the "different implementation methods" of the Fleischer et al. patent include "normal call processing implemented by end office/SSP" and "AIN call processing implemented by SSP and SCP based on CPR". However, there is no "selecting a method for implementing the automatic route selection service" in that process. The type of switch is determinative of how the call is routed, but there is no "selection" from different methods, and certainly no selection by the SCP.

Also, claim 7 states:

*incorporating automatic route selection information used to implement the selected automatic route selection method into a call processing record accessible by a service control point*

In the Fleischer et al. patent, the manner in which the call is routed is based upon the switch type, and is not "incorporated into a call processing record" in order to "implement the selected automatic route section method".

### III. The Pending Claims Are Patentable

Applicant will now point out the features of the individual claims which render them patentable over the applied reference.

#### 1. Claims 7-12 are patentable over the Fleischer et al. Patent

Claim 7 is patentable because it recites:

A method of providing an automatic route selection service using a service control point, the method comprising:

receiving automatic route selection service information corresponding to a service subscriber; and

selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber, a first one of the plurality of different implementation methods using a switch based automatic route selection table, a second one of the plurality of different implementation methods using a non-switch based automatic route selection table; and

incorporating automatic route selection information used to implement the selected automatic route selection method into a call processing record accessible by a service control point.

Therefore, for the reasons detailed above, independent claim 7 is patentable over the Fleischer et al. patent.

**2. Claim 8 is patentable over the Fleischer et al. Patent**

Claim 8 is patentable as it depends from claim 7.

**3. Claim 9 is patentable over the Fleischer et al. Patent**

Claim 9 is patentable as it depends from claim 7. In addition, claim 9 states:

*a telephone trunk identifier; and  
transmitting the telephone trunk identifier determined from the automatic  
route selection table to a telephone switch.*

The only reference in the material cited by the Examiner in the Fleischer et al. patent to trunks is "trunks 52", which can be seen on Figure 1 to simply represent the trunks connecting each of the End Office/SSP's. There is no teaching or suggestion of the SCP identifying a trunk identifier from any table, to say nothing of an automatic route selection table, or of **transmitting** such a trunk identifier to a telephone switch. The trunks 52 are those selected by the end office to route calls to the respective other end offices connected to trunks 52, and are not "chosen", but dictated according to the destination office.

For these additional reasons, claim 9 is patentable over the Fleischer et al. patent.

It should be noted that the Examiner refers on page 4 of the Office Action to "note in claim 1". Applicant does not understand this reference.

**4. Claim 10 is patentable over the Fleischer et al. Patent**

Claim 10 is patentable as it depends from claim 7. In addition, claim 10 states:

*wherein the telephone trunk identifier is a route index; and  
wherein the transmitted message is one of a Forward\_Call message and  
an Analyze\_Route message.*

The citations referenced by the Examiner on page 4 of the Office Action do not even refer to "route indexes", "Forward\_Call messages", or "Analyze\_Route messages".

For these additional reasons, claim 10 is patentable over the Fleischer et al. patent.

Again, it should be noted that the Examiner refers on page 4 of the Office Action to "note in claim 1". Applicant does not understand this reference.

**5. Claim 11 is patentable over the Fleischer et al. Patent**

Claim 11 is patentable as it depends from claim 7. In addition, claim 11 states:

*as a function of the complexity of the automatic route selection logic required to provide the automatic route selection service to the service subscriber.*

There is no teaching or suggestion of selection based on the "complexity of the automatic route selection logic" in the Fleischer et al. patent.

For this additional reason, claim 11 is patentable over the Fleischer et al. patent.

It should again be noted that the Examiner refers on page 4 of the Office Action to "note in claim 1". Applicant does not understand this reference.

**6. Claim 12 is patentable over the Fleischer et al. Patent**

Claim 12 recites:

A system for providing an automatic route selection service to an automatic route selection service subscriber, the system comprising:  
a telephone switch coupled to a telephony device used by said subscriber; and  
a service control point coupled to said telephone switch, the service control point including control logic used to access a non-switch based automatic route selection table as part of a service control point based automatic route selection service provided to said service subscriber, the **service control point further comprising:**

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MAR 28 2007

means for selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber, a first one of the plurality of different implementation methods using a switch based automatic route selection table, a second one of the plurality of different implementation methods using a non-switch based automatic route selection table.

For the reasons discussed above in relation to claim 7, claim 12 is patentable over the Fleischer et al. patent.

#### IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, Applicants request that the Examiner pass this application to issue.

If there are any outstanding issues which need to be resolved to place the application in condition for allowance the Examiner is invited to contact Applicant's undersigned representative by phone to discuss and hopefully resolve said issues. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to Patent Office deposit account number 50-1049.

March 28, 2007

Respectfully submitted,



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